

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

BOBBY LYNN HARVEY,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-07-1267-M
)	
MIKE ADDISON,)	
)	
Respondent.)	

ORDER

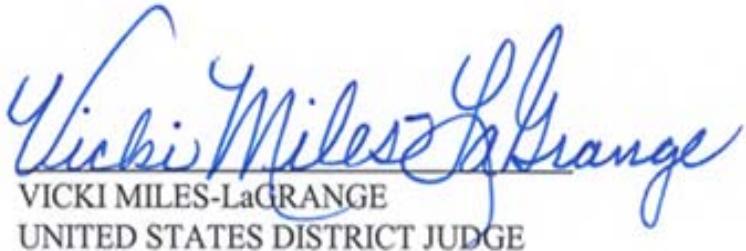
On May 30, 2008, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that the petition be dismissed as untimely filed under 28 U.S.C. § 2244(d). Petitioner was advised of his right to object to the Report and Recommendation by June 19, 2008. On June 19, 2008, petitioner filed his objection.

Petitioner objects on the basis that: (1) he has no attorney representation in this matter; (2) actual innocence; (3) the availability of new evidence; and (4) the ineffective assistance of counsel. Petitioner, however, did not respond to the allegation concerning his untimeliness. Having carefully reviewed petitioner's objection and the Court file, and in light of petitioner's failure to timely initiate this action, the Court finds that the Magistrate Judge did not err in finding that the petition should be dismissed.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on May 30, 2008; and
- (2) DISMISSES the petition for writ of habeas corpus.

IT IS SO ORDERED this 30th day of June, 2008.



VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE